



**U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814**

July 16, 2013

CERTIFIED MAIL

Mr. Michael Morisy
MuckRock News
PO Box 55819
DEPT MR 5516
Boston, MA 02205-5819

RE: Freedom of Information Act (FOIA) Request #13-F-00569: Request a copy of the Closing Memo and Final Report for each CPSC OIG Investigation closed in calendar years: 2010, 2011, 2012 and 2013.

Dear Mr. Morisy:

Thank you for your Freedom of Information Act (FOIA) request seeking information from the U.S. Consumer Product Safety Commission ("Commission"). The requested information is enclose.

We are withholding the records regarding the specific Investigation Reports and related internal staff memoranda, and information related to confidential statements from the Commission's Office of the Inspector General Investigative Files, pursuant to the Exemptions 5, 6, 7(D), and 7(E) of the FOIA, 5 U.S.C. §552(b)(5), (b)(6), (b)(7)(D), and (b)(7)(E). Exemption 5 provides for the withholding from disclosure of inter-agency and intra-agency memoranda that would not be available by law to a party in litigation with the agency. Exemption 6 provides for the withholding of personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(D) provides for the withholding from disclosure of records or information compiled for law enforcement purposes to the extent that the production of such records could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis. Exemption 7(E) provides for the withholding from disclosure records or information compiled for law enforcement purposes, to the extent that the production of such law enforcement records or information would disclose techniques and procedures for law enforcement

information would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

The records being withheld consist of internal staff memoranda and reports containing recommendations, opinions, suggestions and analyses of the Commission's technical and legal staffs and information about trade complaints. The records constitute both pre-decisional and deliberative discussion that clearly falls within the attorney-client and attorney-work product privileges. Any factual materials in the records not covered by some other exemption are inextricably intertwined with exempt materials or the disclosure of the factual materials would itself expose the deliberative process. We have determined that the disclosure of these certain law enforcement investigatory records responsive to your request would be contrary to the public interest. It would not be in the public interest to disclose these materials because disclosure would (1) impair the frank exchange of views necessary with respect to such matters, and (2) reveal the techniques, guidelines and strategies utilized by the investigative and legal staff in developing the information regarding this investigation and other on-going investigations, which if disclosed would significantly risk circumvention of the statutes and regulations that the Commission administers.

We believe that the Inspector General Investigative Files fall within the protection of FOIA Exemption 6. In this case the files contain personal and private information about employees and other individuals.

We have determined that the disclosure of the interview statements and identities of the confidential sources would be contrary to the public interest. It would not be in the public interest to disclose confidential statements or sources because disclosure would discourage other individuals from making such statements and deprive the Commission of those sources. Confidentiality of the sources and statements is a vital aspect to this means of information gathering.

According to the Commission's FOIA regulations at 16 C.F.R. § 1015.7, a partial denial of access to records may be appealed within thirty (30) days of your receipt of this letter by writing to: **FOIA APPEAL**, General Counsel, ATTN: Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814-4408.

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Processing this request, performing the file searches and preparing the information, cost the Commission \$30.00. In this instance, we have decided to waive all of the charges. Thank you for your interest in consumer product safety. Should you have any questions, contact us by letter, facsimile (301) 504-0127 or telephone (301) 504-7923 or e-mail addressed to cpsc-foia@cpsc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alberta E. Mills', with a long horizontal flourish extending to the right.

Alberta E. Mills
Freedom of Information Officer
The Secretariat – Office of the Secretary
Office of the General Counsel

Enclosure